

REMARKS

Claim Changes

Claims 1, 8 and 12 are amended to recite “classifying each of the header bits in the frame,” and “classifying each of the payload bits in the frame.” Claim 15 is amended to recite “classify each of the plurality of header bits and each of the plurality of payload bits.” Claims 1, 8, and 12 are further amended to recite “the first predetermined class of bits, in the frame,” and “the second predetermined class of bits, in the frame.” Similarly, claim 15 is amended to recite “the classified first class of bits, in the frame,” and “the classified second class of bits, in the frame.” These changes are based at least on FIG. 2 and FIG. 3, and the accompanying description in page 4, lines 3-5, lines 20-22, Page 5, lines 18-22, page 6, lines 9-17, and page 7, lines 13-15, lines 22-27, of the Application as filed.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1-2 and 5-19 under 35 U.S.C. § 103 (a) as being unpatentable over US 7263064 (Yoshimura) and in view of US 5228028 (Cucchi)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-2 and 5-19 under 35 U.S.C. § 103(a) as being unpatentable over Yoshimura in view of Cucchi as herein amended.

Applicant respectfully submits that the Yoshimura or the combination of Yoshimura and Cucchi does not teach or suggest all the claim limitations as set forth in independent claim 1. Specifically, claim 1, as amended, recites “classifying each of the header bits in the frame,” and “classifying each of the payload bits in the frame.” Also claim 1, as amended, recites “processing

the first predetermined class of bits, in the frame,” and “processing the second predetermined class of bits, in the frame.” These specific limitations are not taught or suggested in Yoshimura or the combination of Yoshimura and Cucchi.

Yoshimura discloses a packet transmitting apparatus that includes a classifying part 301, an IP queue 302, a data link control part 303, and a scheduling part 306. The classifying part 301 receives IP packets from an upper layer and classifies each of the IP packets based on the quality of service (QoS) requirement between the transmitting apparatus and a receiving apparatus. See FIG. 3, col. 6, lines 27-30, 32-34, abstract, lines 1-3, lines 8-10, of Yoshimura. Thus, in Yoshimura, the classifying part 301 is classifying each of the IP packets, and not classifying each of the bits in an IP packet. Further, Cucchi discloses a system that uses an encoder that comprises video units. Each video unit is associated with a video packet comprising a header and a body. See abstract, lines 8-12 of Cucchi. However, Cucchi makes no mention that each of the bits in the header and the body is classified into a first predetermined class of bits and into a second predetermined class of bits. In contrast, Applicant’s claim 1, as amended, recites, “classifying each of the header bits in the frame into a first predetermined class of bits and into a second predetermined class of bits,” and “classifying each of the payload bits in the frame into the first predetermined class of bits and into the second predetermined class of bits.”

Additionally, in Yoshimura, the data link control part 303 includes dividing parts 304 and retransmission control part 305. The dividing part 304 divides each of the packets to be transmitted into a plurality of predetermined data units. The dividing part 304 then writes specification of the dividing process such as the number to divide into, a flag indicating from or tail of the packet, or information about the packet length, into the header of each data unit. See col. 6, lines 48-51 of Yoshimura. However, in Yoshimura, the dividing process is same for all the data units in the packet, and is not processed in accordance with a first predetermined mechanism and a second predetermined mechanism. Further, Cucchi also fails to disclose that the first predetermined bits and the second predetermined bits in a frame are processed in accordance to first determined mechanism and second predetermined mechanism respectively. In contrast, Applicant’s amended claim recites “processing the first predetermined class of bits, in the frame, in accordance with a first predetermined mechanism; and processing the second

predetermined class of bits, in the frame, in accordance with a second predetermined mechanism.” Therefore, the combination of Yoshimura and Cucchi do not teach or suggest the above claim limitations as recited in the independent claim 1, so the Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C 103.

For the above reasons, Applicant submits that claim 1 is not obvious in view of the combination of Yoshimura and Cucchi, and therefore that the rejection of claim 1 under 35 USC 103(a) should be withdrawn. Applicant requests that claim 1 now be passed to allowance.

Regarding independent claims 8, 12, and 15, Applicant respectfully submits that the above discussed arguments apply equally to the limitations of claims 8, 12, and 15 as amended. Applicant therefore respectfully requests withdrawal of the rejection of claims 8, 12, and 15 under 35 U.S.C 103.

Dependent claims 2, 5-7, 9-11, 13, 14, and 16-19 depend from, and include all the limitations of independent claims 1, 8, 12, and 15. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2, 5-7, 9-11, 13, 14, and 16-19 and requests withdrawal of the rejection.

Rejection of claims 3 and 4 under 35 U.S.C. § 103 (a) as being unpatentable over US 7263064 (Yoshimura) and in view of US 5228028 (Cucchi) and further in view of US 6598034 (Kloth)

Dependent claims 3 and 4 depend from, and include all the limitations of independent claim 1. Therefore, Applicant respectfully requests reconsideration of dependent claims 3 and 4 and requests the withdrawal of the rejection of these claims. Applicant requests that claims 3 and 4 now be passed to allowance.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant’s claimed invention is patentably distinct and nonobvious over each reference taken alone or in

combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's attorney at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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